

SUMMARY STATEMENT

Smith v. Smith, Docket No. 42621

In an appeal from Bonneville County, the Supreme Court affirmed the district court's grant of judgment on the pleadings and award of attorney fees to Stafford Smith against Woodruff Smith (Woody). Woody argued whether he and Stafford formed a contract for the sale of real property was a genuine issue of material fact, and that the district court erred when it granted Stafford attorney fees as the prevailing party below. The Supreme Court determined that Woody's appeal on the issue of contract formation was moot due to satisfaction of the judgment and that Stafford was entitled to attorney fees under Idaho Code section 12-120(3).